

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ARLENE DELGADO,

Plaintiff,

-against-

DONALD J. TRUMP FOR PRESIDENT, INC.,
TRUMP FOR AMERICA, INC., SEAN SPICER,
individually, REINCE PRIEBUS, individually,
STEPHEN BANNON, individually,

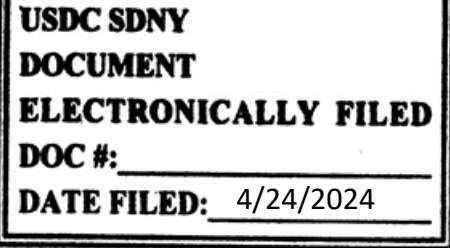
Defendants.
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KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE:

As set forth more fully on the record at the conference on April 24, 2024, the discovery issues raised by Plaintiff in ECF Nos. 248, 249, 250-52, 255 are resolved as follows:

1. April 15th Motion to Compel

On April 15, 2024, Plaintiff submitted a letter asserting that the Defendants' Rule 30(b)(6) witness, Jesse Binnall, was not prepared to answer questions on several topics during his deposition including: complaints of discrimination or harassment against the Trump for America Campaign (the "Campaign") between 2017 and 2020, the amount in legal fees the Campaign has spent on the present litigation, the amount of cash/assets the Campaign currently possesses, and whether Campaign staff were ever informed that the Campaign had a Human Resources ("HR") director. (ECF No. 248.) Plaintiff's letter sought to compel information on such topics. On April 22, 2024, Defendants filed a letter opposing Plaintiff's motion to compel, arguing that most of the information sought by Plaintiff in her motion is irrelevant or non-discoverable. (ECF No. 256.)



19-CV-11764 (AT) (KHP)

DISCOVERY ORDER

Having reviewed both letters and held oral argument at the Case Management Conference on April 24, 2024, **Plaintiff's motion to compel is GRANTED in part and DENIED in part.**

Plaintiffs motion is GRANTED as to information concerning gender-related complaints against the Campaign during the 2016 and 2020 campaign cycles, including complaints of sexual harassment, gender, or pregnancy discrimination. Defendants are not required to provide information concerning complaints of other types of discrimination. Defendants may provide such information either through a continued 30(b)(6) deposition, interrogatory responses, or by producing documentation of such complaints. Unless the parties agree otherwise, the Court assumes the information will be provided via a continued deposition, which must take place by the discovery deadline, May 7, 2024, and be limited to the topic of gender-based discrimination complaints filed against the Campaign during the 2016 and 2020 campaign cycles.

Plaintiff's motion to compel information related to the amount in legal fees the Campaign has spent on the present litigation or the amount of cash/assets the Campaign currently possesses is DENIED. Plaintiff is advised that she may serve requests to admit on Defendants concerning whether Campaign employees were informed of the existence of an HR director. Further, Defendants are ordered to provide to Plaintiff the identity of the Campaign's HR Director(s) from 2015 through 2020. This Order should not be construed as a limitation on the parties' right to serve requests to admit in accordance with the applicable rule; however, all requests to admit must be served by May 7, 2024.

2. April 17th Letter Requests

On April 17, 2024, Plaintiff filed a letter requesting access to Defendants' storage vendor and asserting that several organizational charts were missing from Defendants' production. (ECF No. 249.) On April 22, 2024, Defendants responded to Plaintiff's letter, disputing Plaintiff's assertion that Defendants have withheld documents. (ECF No. 257.) **Plaintiff's request to have direct access to Defendants' storage vendor and her request that Defendants conduct further searches for organizational charts is DENIED.** However, Defendants are directed to contact Marc Kasowitz concerning a specific document Plaintiff seeks showing that the decision to not hire Plaintiff for employment at the White House took place on December 27, 2016. Plaintiff is permitted to serve on Defendants a request to admit concerning the date the decision not to hire Plaintiff was made.

On April 17, 2024, Plaintiff filed a letter requesting additional time to depose non-party witness Bradley Parscale. (ECF No. 252.) **Plaintiff's request for additional time to depose Mr. Parscale is GRANTED.** As discussed at the Conference, **Plaintiff is permitted to depose Mr. Parscale for an additional three hours and is directed to schedule such deposition by May 7, 2024.** Questioning must be limited to topics that are relevant to the claims and defenses in this action and should not be redundant of questions previously posed to Parscale. Mr. Parscale shall make himself available before May 7, 2024 for completion of his deposition.

3. Additional Discovery of Non-Parties

At the Conference, Plaintiff also moved to compel Fox Corporation / Fox News Network, LLC ("Fox") to produce documents and communications. A telephonic conference is scheduled for **May 9, 2024 at 4:30 p.m.** to rule on Plaintiff's motion to compel. The dial-in information is

noted below. **By April 26, 2024, Plaintiff shall serve a copy of this Order on Fox and invite its counsel to attend the May 9, 2024 conference.** To the extent Fox wishes to submit a written opposition to Plaintiff's subpoena requests, it shall be filed with the Court by Fox no later than May 7, 2024.

4. Status Update

The parties shall file a written status letter regarding the completion of discovery on May 7, 2024. Responses to requests to admit are due June 7, 2024.

CONCLUSION

For the reasons set forth above and as stated on the record at the April 24, 2024 Case Management Conference, Plaintiff's motion to compel is granted in part and denied in part. The Clerk of Court is respectfully requested to terminate the motion at ECF 248.

A telephonic Case Management Conference is scheduled for May 9, 2024 at 4:30 p.m. concerning Plaintiff's motion to compel against Fox. At the scheduled time, the parties shall dial 866-434-5269, access code 4858267.

SO ORDERED.

DATED: New York, New York
April 24, 2024



KATHARINE H. PARKER
United States Magistrate Judge